

JUL 02 2007

IAP6 Rec'd PCT/PTO 02 JUL 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Toshiro OMORI et al.

Group Art Unit: 1655

Application Number: 10/511,725

Examiner: Amy Lynn CLARK

Filed: October 19, 2004

Confirmation Number: 2520

For: **COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR PRODUCING THE SAME**

Attorney Docket Number: 042872
Customer Number: 38834

VIA FACSIMILE - 34 pages (including this cover)

Mail Stop RCE
Commissioner for Patents
POB 1450, Alexandria, VA 22313-1450
Transmitted to USPTO Central Fax No. 571-273-8300

SUBMISSION OF DOCUMENTS

Sir:

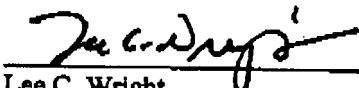
Applicants hereby transmit the attached

1. RCE transmittal (1p),
2. Amendment Transmittal (1p);
3. Petition for Extension of Time for 2 months (1p),
4. Amendment under 37 C.F.R. §1.114 (19p),
5. Baraona (Fatty Liver, Hyperlipemia, and Erythrocyte Alterations Produced by Ethanol Feeding in the Rat) (2p),
6. Lieber (Alcohol, Nutrition, and the Liver) (2p),
7. Lieber et al (Sequential Production of Fatty Liver, Hepatitis, and Cirrhosis in Sub-Human Primates Fed Ethanol with Adequate Diets) (6p) and
8. <http://cancerweb.ncl.ac.uk/cgi-bin/omd?stillage> (Definition of Stillage) (1p)

in connection with the above-identified application.

CERTIFICATE OF TRANSMISSION

I hereby certify that Applicants hereby transmit the above listed documents via the USPTO Central Fax No.571-273-8300 on July 2, 2007.



Lee C. Wright
Reg. No. 41,441

THE INFORMATION CONTAINED IN THIS MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. This message may also be an attorney/client communication that is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by calling us collect and return the original message to us at the above address by mail. Thank you.

RECEIVED
CENTRAL FAX CENTER

07/02/2007 17:03 FAX 202 822 1111

WESTERMAN HATTORI

002/035

JUL 02 2007

PTO/SB/80 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

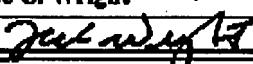
<p>Request For Continued Examination (RCE) Transmittal</p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	10/511,725
	Filing Date	October 19, 2004
	First Named Inventor	Toshiro OMORI
	Art Unit	1655
	Examiner Name	Amy Lynn CLARK
	Attorney Docket Number	042872

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. Other
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
 - b. Other
3. **Fee** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.
 - a. Check in the amount of \$ 0.00 enclosed
 - i. RCE fee required under 37 C.F.R. § 1.17 (e) \$790.00
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) \$450.00
 - iii. Other=\$130.00 (Fee for Suspension of Action under 37 C.F.R. §§ 1.103(c) and 1.17(l) & \$50.00
 - b. The Director is hereby authorized to charge 1,420.00 and any additional fees in connection with filing of this paper or credit any overpayments, to Deposit Account No. 50-2886.
 - c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Lee C. Wright	Registration No. (Attorney/Agent)	41,441
Signature		Date	July 2, 2007

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Lee C. Wright	Registration No. (Attorney/Agent)	41,441
Signature		Date	July 2, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 02 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Toshiro OMORI et al.

Group Art Unit: 1655

Application Number: 10/511,725

Examiner: Amy Lynn CLARK

Filed: October 19, 2004

Confirmation Number: 2520

For: **COMPOSITION OBTAINED FROM BARLEY SHOCHU STILLAGE AND HAVING ACTIVITY OF INHIBITING ONSET OF ALCOHOLIC HEPATOPATHY AND ACTIVITY OF HEALING IT AS WELL AS EXCELLENT PALATABILITY, AND PROCESS FOR PRODUCING THE SAME**Attorney Docket Number: 042872
Customer Number: 38834AMENDMENT TRANSMITTALMail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Sir:

July 2, 2007

Transmitted herewith is an Amendment in the above-identified application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	6	Minus	6	= 0
Independent (37 CFR 1.16(b))	29	Minus	28	= 1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDI- TIONAL FEE		RATE	ADDI- TIONAL FEE
X \$25		OR	X\$50	.00
X \$100		OR	X\$200	\$50.00
+ \$180		OR	+ \$360	.00
TOTAL ADD'L FEE			TOTAL ADD'L FEE	\$40.00

Enclosed please find our check in the amount of \$40.00 for the additional claims fee in connection with this Amendment.

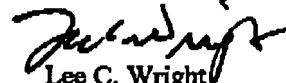
The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-2866.

10/511,725 Respectfully submitted,

1051 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

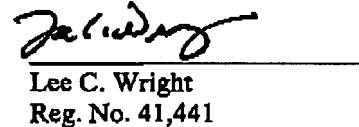
07/10/2007 LLANDGRA 00000028 502866

01 FC:1615 50.00 DA



Lee C. Wright
Attorney for Applicants
Registration No. 41,441
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

LCW/af

CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that the attached Amendment Transmittal (1p) is being formally transmitted via the USPTO Central Fax No. 571-273-8300 on July 2, 2007.


Lee C. Wright
Reg. No. 41,441